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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,744	02/19/2004	Fiorenzo Draghetti	U 015042-3	1668
140	7590	07/25/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023			FERGUSON, MARISSA L	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/782,744	Applicant(s) DRAGHETTI ET AL.	
	Examiner Marissa L. Ferguson-Samreth	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2006.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 17-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 30 and 31 is/are allowed.
6) ☒ Claim(s) 1,3-7,11-15,17-20 and 26-29 is/are rejected.
7) ☒ Claim(s) 8-10 and 21-25 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the packing machine in claims 1 and 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3,4,11-15,17 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020), Beck et al. (WO 91/10595) and Feichtl et al. (US Patent 4,655,664).

Blidung et al. teaches a method and apparatus comprising a line for feeding blanks along a given processing path (Column 5, Lines 39-48), a first pickup means (32.1) for removing groups (2,8) of blanks arranged in groups given arrangement a storage area (area located on the left side of figure 1 consisting of elements 2 and 8) from the storage area feeding them onto an upstream conveyor (Figures 4-7) from said work station and second pickup means (32.2) for removing said blanks in groups from a processing path (Column 5, Lines 39-48) downstream from a station (Figures 5,6 and 9), and feeding them, formed into given arrangement, to a packing area(1), the unit being characterized comprising a number of pallets (Column 5, Lines 52-58) supporting the blanks in the packing area (1) which comprises an unloading area (pallet area holding stacks 2,8) which is engaged by a first pickup means (32.1), located at an input end of a processing path (left side of figure 1), and receives an initially loaded first pallet

(Column 16, Lines 14-27), a loading area (area located on the right side including packing machine 1) engaged by a second pickup means (32.2), which is located at an output end of a processing path (right side of figure 1) and feeding a pallet loaded with stacks of blanks to a packing machine (Abstract and Column 15, Lines 50-52).

However, Blidung et al. does not explicitly disclose at least one workstation located along a processing, subjecting each blank to at least one processing operation.

Draghetti et al. teaches a production method with cigarette packets that has many processing stations such as a print station (34), a lacquer station (Page 2, Paragraph 0037) and a station for applying identification information (Page 1, Paragraph 0019).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention as taught by Blidung et al. to include a processing station as taught by Draghetti et al., since Draghetti et al. teaches that it is advantageous to provide a packet of cigarettes designed to provide consumers with necessary information in a clear and concise manner.

Blidung and Draghetti et al. both do not explicitly disclose an ordering means located upstream to arrange blanks into a succession of individual blanks and a regrouping means located downstream to reform groups. Beck et al. teaches a cigarette packaging machine teaches a reservoir (2) with stacks (16) of blanks that moves to a de-stacking device (5) for un-stacking the stacks into individual blanks (6). After the blanks are de-stacked, they are printed, folded and restacked manually or mechanically (Page 5, Lines 10-28, Page 6, Lines 1-15 and Claims 1,8). It would have

been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a regrouping device as taught by Beck et al., since Beck et al. teaches that it is advantageous to provide efficient handling thus eliminating negative affects of the outputted blanks/packages.

Blidung, Draghetti and Beck all do not explicitly disclose moving an empty second pallet into a loading area and feeding a second pallet in to a packing machine. Feichtl et al. teaches moving an empty pallet (8) onto a second stack (5), after the workpieces (11) located on pallet (8) from the first stack (4) are machined, the workpieces are then placed on an initially empty pallet (8) that is located on the second stack (element 5 and Column 5, Lines 26-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include moving a second empty pallet into a loading/unloading area and feeding the pallet to the packing machine as taught by Feichtl et al., since Feichtl et al. teaches that it is advantageous to simplify handling of the pallets and reduce nonproductive times within the system.

3. Claims 5-7 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020), Beck et al. (WO 91/10595) and Feichtl et al. (US Patent 4,655,664) as applied to claims 3,15,17 and 26-28 above, and further in view of Montemayor et al. (US Patent 5,494,398).

Blidung et al., Draghetti et al., Beck et al. and Feichtl et al. all teach the invention and method claimed with the exception of a fixed hopper having an input for stacks and

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a bottom output end, a drum that is a suction member and wherein the drum is tangent to a bottom output end of a hopper and to the conveyor. Montemayor et al. teaches an unstacking device with a magazine unit (120), a rotating suction drum (30), wherein the drum is tangent to a bottom of the hopper and conveyor (204 and Figures 9,11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a magazine and suction member as taught by Montemayor et al., since Montemayor et al. teaches that it is advantageous to ensure proper placement of a flat article on a transporting device.

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blidung et al. (US Patent 5,630,309) in view of Draghetti et al. (US Publication 2003/0052020), Beck et al. (WO 91/10595) and Feichtl et al. (US Patent 4,655,664) as applied to claims 15,17 and 26-28 above, and further in view of Focke et al. (US 6,722,109).

Blidung et al., Draghetti et al., Beck et al. and Feichtl et al. all teach the claimed invention and method with the exception of at least one station for applying least one spot of hot glue to each blank. Focke et al. teaches a packaging device that applies hot glue to blanks (Column 3, Lines 21-24, Lines 52-58). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention as taught by Blidung et al. to include a gluing station as taught by Focke et al., since Focke et al. teaches that it is advantageous to securely glue the blanks in order to produce sturdy packs.

Allowable Subject Matter

5. Claims 8-10 and 21-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 30 and 31 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: regarding claims 8 and 21 the prior art does not teach a regrouping means that are stacking means comprising braking means for braking the blanks coming off a conveyor, and substantially positioning them on edge; at least one container for receiving the on-edge blanks and forming, inside it, a stack of blanks; and a conveyor unit for receiving stacks of blanks from the container.

Regarding claim 9, the prior art does not teach or render obvious a method of a group of blanks that is formed as a reel of a strip defined by a number of blanks arranged in series and connected to one another wherein the reel is being unwound along the processing path (P1) to arrange said blanks (2) in series and feed them successively through a work station (45).

Regarding claim 25, the prior art does not teach or render obvious a group comprising a reel of a strip defined by a number of blanks arranged in series and connected to one another; the ordering means and regrouping means comprising an unwinding pin for unwinding a reel, and, respectively a rewinding pin for receiving a strip and forming a strip into a new reel; the path extending between two pins and a guide means being provided to guide a strip along a path and through a work station.

Regarding claim 30, the prior art does not teach or render obvious a regrouping means located along the processing path (P1), downstream from the work station, to reform the groups, the regrouping means including stacking means comprising braking means for braking the blanks coming off the conveyor, and substantially positioning them on edge of at least one container for receiving the on-edge blanks and forming, inside the container, a stack of the blanks and a conveyor unit for receiving the stacks of blanks from the container.

Regarding claim 31, the prior art does not teach or render obvious wherein each group comprises a reel of a strip defined by a number of blanks arranged in series and connected to one another, the ordering means and the regrouping means comprising an unwinding pin for unwinding the reel, and, respectively, a rewinding pin for receiving a strip and forming the strip into a new reel, the processing path extending between the two pins, and a guide means being provided to guide the strip along the processing path and through the work station.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 3-7, 11-15, 17-20 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

9. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Blindung et al., Draghetti et al. Beck et al. and Feichtl et al. all teach an apparatus that loads, conveys and unloads workpieces into a storage area or packing machine.

10. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L. Ferguson whose telephone number is (571)

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272-2163. The examiner can normally be reached on (M-T) 6:30am-4:00pm and every other (F) 7:30am-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marissa L Ferguson-Samreth
Examiner
Art Unit 2854

MFS
July 14, 2006


Daniel J. Colilla
Primary Examiner
Art Unit 2854